

NINTH JUDICIAL CIRCUIT OF VIRGINIA

DOMESTIC RELATIONS TRIAL FORMS

Equitable Distribution

Spousal Support

Contested Custody/Visitation

REVISED JULY 1, 2004

NINTH JUDICIAL CIRCUIT OF VIRGINIA

DOMESTIC RELATIONS TRIAL FORMS

REVISIONS JULY 1, 2004

Ninth Circuit *Pendente Lite* Guidelines Worksheet

On page 1, under heading B. Spousal Support, #4 changed "28%, if payee works, with children" to: "28%, with children"

On page 1, under heading C. Child Support, # 4. changed "Extraordinary Medical Expenses" to: "Unreimbursed Medical Expenses"

On page 2, under heading E. Summary, Family Debt Adjustment, added "∗".

On page 2, after notary jurat, added: "∗Contributions toward family debt shall be deemed in the nature of support."

E.D. § 20-107.3 Proffer

On page 3, #10 added: " The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last separation of the parties."
Former # 10 renumbered to # 11.

Pendente Lite Order (child support; spousal and child support)

On page 3, # 2, paragraph 5 changed "extraordinary medical expenses" to "unreimbursed medical expenses"

On page 4, rewrote #7 to mirror language in §20-60.3 (9).

On page 4, rewrote # 8 to mirror language in §20-60.3 (10).

On page 4, rewrote #10 to mirror language in §20-60.3 (13).

Order Of Referral To Parent Education Seminar

On page 1, paragraph 1, changed language from: "whose custody, visitation or support is at issue" to "whose custody, visitation or support is contested OR uncontested and the Court finds good cause"

NINTH JUDICIAL CIRCUIT OF VIRGINIA

DOMESTIC RELATIONS TRIAL MANUAL

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Model *Pendente Lite* Order (child support or child and spousal support)

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***Child Support Guidelines Worksheets and Form DC-645 Payroll Deduction Order
for Support are available in Clerks' Offices and are not provided herein.**

PENDENTE LITE SUPPORT HEARINGS NINTH JUDICIAL CIRCUIT

In an effort to assist the Court and counsel and to expedite *pendente lite* hearings, the Court has adopted the following instructions and forms that are applicable to each divorce case in which *pendente lite* support hearings are scheduled.

- A. The Court will expect, where possible, that parties bring with them to *pendente lite* hearings appropriate documentation supporting the amount of present income which they claim is earned by either or both of the parties (e.g., pay slips, monthly profit/loss statements, etc.). If a party claims that the current income of one of the parties should be determined by averaging income earned over a number of months, documentation should be produced, where possible, for each of those months and an accounting of the calculations involved should accompany those documents.
- B. A current income/expense statement shall be prepared for each party who intends to introduce such a statement at the hearing. The Court requires that the attached expense form be used for those who intend to introduce such evidence.
- C. Counsel for the moving party is to be responsible for bringing to the hearing completed spousal support guideline worksheet, child support guideline worksheet, and model *pendente lite* order as printed completed with the statistical information peculiar to this case. The Court applies the Ninth Circuit spousal support formula for *pendente lite*. If the parties reach an accord and desire to have a consent order entered, the model order shall also be implemented.
- D. All documents shall be exchanged between counsel at the earliest possible time, but certainly no later than **three (3) business days** before the hearing, with copies to the Court.
- E. At the conclusion of the hearing, counsel will be required to complete the model *pendente lite* order as printed in conformity with the Court's orders, endorse it appropriately and leave the completed order with the Judge's staff.
- F. If payroll deduction is applicable for support payments, the payroll deduction order provided by the Supreme Court is to be used and is available in Clerks' Offices.

CONTESTED CUSTODY/VISITATION HEARINGS

Prior to considering contested custody or visitation matters, the Court will require an **order of referral to a parent education seminar (model order enclosed)**, an order providing for mediation, and, if mediation is unsuccessful, then home studies and parental evaluations. If an emergency exists where the children are in danger, the Court will consider a hearing without mediation, etc. In all contested custody or visitation hearings, the parties are to complete the best interests of the child form, exchange it at least three **(3) business days** prior to the hearing, and provide a copy to the Court.

ORE TENUS EQUITABLE DISTRIBUTION HEARINGS NINTH JUDICIAL CIRCUIT

The Court is willing to make an effort to hear equitable distribution matters *ore tenus* if the parties comply with the following:

1. Each of the parties is to complete the appropriate forms. Each party will be bound by the information contained in his or her completed forms. For simplicity and continuity, the Court requires that the attached forms be used rather than similar forms. It is important that the parties calculate the totals of the estate and share request where provided on the forms.
2. Upon completion of the forms, a pre-hearing conference is to be scheduled with the Court.
3. The parties are to exchange the completed forms, with copies to the Court, no later than **three (3) business days** before the pre-hearing conference.
4. The parties and counsel are to be present for the pre-hearing conference and be prepared to discuss and refine the issues.
5. At the conclusion of the pre-hearing conference, the Court will determine whether to hear or refer the matter to a Commissioner in Chancery for determination of equitable distribution. An *ore tenus* equitable distribution hearing will be a maximum of three hours. Counsel and the parties shall bring their calendars to the pre-hearing conference. **The Court must be able to decree a divorce or dissolve marriage before adjudicating equitable distribution.**

PERMANENT SPOUSAL SUPPORT

Upon entry of a decree of divorce and after equitable distribution, if a hearing is required for the award of permanent spousal support, the parties shall complete the pertinent Section 20-107.1 proffer and current income and expense statement and exchange the same between the parties and provide copies to the Court at least **three (3) business days** before the hearing.

BEST INTERESTS OF THE CHILD
IN DETERMINING CUSTODY AND/OR VISITATION
Va. Code § 20-124.3

Proffer of

Mother/Father/Other

_____ vs. _____

Chancery No. _____

Date: _____

PURSUANT TO VIRGINIA CODE § 20-124.3, DESCRIBE:

1. Age and physical and mental condition of the child, including the child's changing development needs.

Mother/Father/Other

2. Age and physical and mental condition of each parent:

Mother:

Father:

3. Relationship existing between each parent and child; due considerations to:

- a) positive involvement in child's life

Mother:

Father:

Mother/Father/Other

- b) ability to accurately assess and meet the emotional, intellectual and physical needs of child

Mother:

Father:

- 4. Needs of child, giving due consideration to other important relationships of the child including

- a) siblings

- b) peers

- c) extended family

Mother/Father/Other

5. a) Role which each parent has played in the upbringing and care of the child

Mother:

Father:

- b) Role which each parent will play in the future in the upbringing and care of the child

Mother:

Father:

Mother/Father/Other

6. a) Propensity of each parent to actively support the child's contact and relationship with other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child:

Mother:

Father:

- b) Relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with child

Mother:

Father:

Mother/Father/Other

- c) ability of each parent to cooperate in and resolve disputes regarding matters affecting the child

Mother:

Father:

- 7. The reasonable preference of the child, if Court determines the child to be

- a) of reasonable intelligence
- b) understanding
- c) age
- d) experience

in order to express such a preference

- 8. Any history of family abuse as that term is defined in § 16.1-228.

Mother/Father/Other

9. Other factors necessary and proper:

10. a) If you have custody, what visitation do you think is fair and in the best interests of the child?

b) If you have do not custody, what visitation do you think is fair and in the best interests of the child?

Mother/Father/Other

STATE OF VIRGINIA
CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this ____ day of _____, _____. My commission expires: _____.

Notary Public

_____ v. _____
Chancery No. _____ Date _____
Monthly Income and Expenses of _____

Employed by _____ _____ City & State _____ _____ Occupation _____ Pay Period _____ Next Payday _____ Annual Salary _____ # Exemptions _____	Children in Household Name _____ D.O.B. _____ _____ _____ _____ _____ _____
---	---

- Household Expenses**
Mortgage (PITI) or Rent _____
Real Estate Property Taxes _____
Personal Property Tax _____
Homeowner’s Insurance _____
Repairs/Maintenance _____
Furniture/Furnishings _____
Electricity _____
Gas/Heating Oil _____
Water/Sewer _____
Telephone _____
Trash Collection _____
Cable TV _____
Groceries _____
Meals Out _____
- Automobile Expenses**
Automobile Payment _____
Gasoline _____
Auto Repair/Maintenance _____
Auto Insurance _____
Tags/Inspection, etc. _____
- Clothing**
New (excluding children) _____
Cleaning/Laundry _____
Uniforms _____
- Miscellaneous**
Medical/Health Care _____
Dental Expenses _____
Dues - Professional/Social Associations _____
 - Homeowner’s Association _____
Gifts (Xmas, Birthday) _____
Church/Charity _____
Entertainment/Hobbies _____
Vacations _____
Personal Grooming _____
Newspapers/Publications _____
Other Insurance _____
Other: _____

Average GROSS PAY PER MONTH	_____
LESS: Income Taxes - Federal	_____
State	_____
Medicare/FICA	_____
Health Insurance	_____
Life Insurance	_____
Required Retirement	_____
Average MONTHLY NET PAY	_____
Pendente Lite Spousal Support	_____
Other Income	_____
Child Support	_____
MONTHLY NET INCOME	_____
LIQUID ASSETS ON HAND	_____
Cash/Checking/Savings	_____
Other Liquid Assets	_____
TOTAL LIQUID ASSETS	_____
I certify that the income stated above is correct.	

State of Virginia; City/County of _____	
Subscribed and sworn to before me this ____ day of _____	

Notary Public	

- Children Expenses**
Child care _____
School Tuition _____
Lunch Money _____
School Supplies _____
Lessons/Sports _____
New Clothing _____
Personal Grooming _____
Other - Allowances _____

Other Debts	Bal.	Mo. Pmt.	Last 2
	\$	\$	H/W
	\$	\$	H/W
	\$	\$	H/W
	\$	\$	H/W

TOTALS PER MONTH
Subtotal Expenses _____
Subtotal Debt Payments _____
TOTAL EXPENSES _____
TOTAL NET INCOME _____
BALANCE _____

Debt Schedule – Fixed and Other Debt

	Creditor	Debtor (H,W,J)	Marital/ Separate	Monthly Payment	Balance at Separation	Amt. Paid Since Separated	Present Balance	Who Paid	Husband Wants % or \$	Wife Wants % or \$
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										

Total Marital Debt \$_____ Husband-Separate \$_____ Wife-Separate \$_____

Chancery No. _____ Submitted by: _____

Ninth Circuit *Pendente Lite* Guidelines Worksheet

Style _____ v. _____

Chancery No. _____

A. Basic Information

(NOTE: All numbers are per month)

	Mother/ Wife	Father/ Husband
1. Monthly gross income	\$_____	\$_____
2. Combined gross income \$_____	_____%	_____%
3. Number of children _____		
4. Mortgage/Rent	\$_____	\$_____
5. Car payments	\$_____	\$_____
6. Work-related childcare	\$_____	\$_____
7. Healthcare premium for children	\$_____	\$_____
8. Basic guideline child support \$_____		

B. Spousal Support

1. Payor spouse's monthly gross income	\$_____
2. Payee spouse's monthly gross income	\$_____
3. Payor spouse's gross income x 30% (28% with children)	\$_____
4. Payee spouse's monthly gross income x 58% (50% if no children)	\$_____
5. Guideline monthly spousal support (B3 minus B4; if negative number, support is zero)	\$_____

C. Child Support

1. Payor spouse's gross income (B1) less spousal support (B5) and percentage of combined gross income (C1 ÷ A2)	\$_____	_____%
2. Payee spouse's gross income (B2) plus spousal support (B5) and percentage of combined gross income (C2 ÷ A2)	\$_____	_____%
3. Basic child support	\$_____	
4. Unreimbursed medical expenses	\$_____	
5. Work-related childcare costs	\$_____	
6. Health insurance premium for children	\$_____	\$_____
	Mother/ Wife	Father/ Husband
7. Child support obligation of each party	\$_____	\$_____
8. Direct payment of health insurance by payor	\$_____	\$_____
9. Presumptive guideline share	\$_____	\$_____

10. Guideline child support payable by
noncustodial parent _____ to _____ \$_____
11. Proposed adjustments to guideline support
_____ \$_____(W) \$_____(H)
12. Each party's proposed share \$_____(W) \$_____(H)
13. Proposed adjusted child support \$_____

D. Adjustments for Family Debt

1. Total family debt (A4 + A5) \$_____
2. Husband's portion of family debt (amount he pays) \$_____
3. Wife's portion of family debt (amount she pays) \$_____
4. Adjusted gross income
- a. Husband's gross income after payment/receipt
of spousal support and child support (A1 ± B5 ± C10) \$_____
- b. Wife's gross income after payment/receipt of
spousal support and child support (A1 ± B5 ± C10) \$_____
- c. Husband's percentage of adjusted gross income (D4a ÷ A2) _____%
- d. Wife's percentage of adjusted gross income (D4b ÷ A2) _____%
5. Family debt pro-ration
- a. Husband (D4c) _____ x (D1) _____ = \$_____
- b. Wife (D4d) _____ x (D1) _____ = \$_____
6. Family debt adjustment
- a. Husband (D5a) _____ - (D2) _____ = \$_____
- b. Wife (D5b) _____ - (D3) _____ = \$_____

E. Summary	Spousal Support	H to/from W	\$_____
	Child Support	H to/from W	\$_____
	Family Debt Adjustment *	H to/from W	\$_____
	Net Payment	H to/from W	\$_____

I certify that the factual information provided above is correct.

COMMONWEALTH OF VIRGINIA _____

City/County of _____, to-wit:

Sworn and subscribed to by _____ this ____ day of _____, 20____.

_____ My Commission expires: _____

Notary Public

* Contributions toward family debt shall be deemed in the nature of support.

NOTE: This completed worksheet shall be filed with the Court with a copy to the other party three
(3) business days in advance of the *pendente lite* hearing.

PROPERTY INVENTORY													
Property Item	Date of Purchase	Date of Valuation	Title H, W, Jnt	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings	
REAL PROPERTY													
1													
2													
3													
4													
PERSONAL PROPERTY A. Motor Vehicles, Boats, Trailers													
1													
2													
3													
4													
5													
6													
B. Stocks, Bonds, and Other Investments													
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													

Total Marital Equity \$ _____ Husband--Separate \$ _____ Wife--Separate \$ _____

Submitted by: _____ Chancery No. _____

PROPERTY INVENTORY--*continued*

Property Item	Date of Purchase	Date of Valuation	Title H, W, Jnt	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
C. Appraised Jewelry, Antiques, or Valuable Collections												
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
D. Savings Accounts												
1												
2												
3												
4												
E. Life Insurance (cash value)												
1												
2												
3												
4												
5												

Total Marital Equity \$ _____ Husband--Separate \$ _____ Wife--Separate \$ _____

Submitted by: _____ Chancery No. _____

PROPERTY INVENTORY--*continued*

	Property Item	Date of Purchase	Date of Valuation	Title H, W, Jnt	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
	F. Household Furnishings in Dispute												
1													
2													
3													
4													
	G. Other												
1													
2													
3													
4													

Pension Schedule

	H. Description of Pension and Payor	Initial Service Date	Date of Marriage	Date of Separation	Expected Monthly Annuity	Marital Share Formula	Husband Wants % or \$	Wife Wants % or \$	Ordered
1									
2									
3									
4									
5									
6									

Total Marital Equity \$ _____ Husband--Separate \$ _____ Wife--Separate \$ _____

Submitted by: _____ Chancery No. _____

Summary of Party's Claim to Marital and Mixed Property

Party's Name: _____

Chancery No. _____

PROPERTY CATEGORY	TOTAL VALUE	I WANT		COURT FINDING
REAL PROPERTY		%	\$	
PERSONAL PROPERTY				
A. Motor Vehicles, Boats, Trailers		%	\$	
B. Stocks, Bonds, and Other Investments		%	\$	
C. Appraised Jewelry, Antiques, or Valuable Collections		%	\$	
D. Savings Accounts		%	\$	
E. Life Insurance (Cash Value)		%	\$	
F. Household Furnishings in Dispute		%	\$	
G. Other		%	\$	
H. Pensions		%	\$	
TOTAL		%	\$	

Husband/Wife Signature

§ 20-107.3 PROFFER OF _____
Chancery No. _____

PURSUANT TO VIRGINIA CODE § 20-107.3, DESCRIBE:

- 1. My contributions, monetary and nonmonetary, to the well-being of the family.**

- 2. My contributions, monetary and nonmonetary, in the acquisition and care and maintenance of the marital property of the parties.**

- 3. The duration of the marriage.**

- 4. My age and physical and mental condition.**

Husband/Wife

5. **The circumstances and factors which contributed to the dissolution of the marriage, specifically including any ground for divorce under the provisions of subdivisions (1), (3) or (6) of § 20-91 or § 20-95.**

6. **How and when specific items of the marital property were acquired. SEE ATTACHED PROPERTY INVENTORY AND PENSION SCHEDULES.**

7. **The debts and liabilities of each spouse, the basis for such debts and liabilities, and the property which may serve as security for such debts and liabilities. SEE DEBT SCHEDULE AND PROPERTY INVENTORY.**

8. **The liquid or nonliquid character of all marital property. PLEASE SUMMARIZE FROM SCHEDULES.**

9. **My tax consequences.**

Husband/Wife

10. The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last separation of the parties.

11. Such other factors as may be necessary for the Court to consider in order to arrive at a fair and equitable monetary award.

Husband/Wife

STATE OF VIRGINIA
CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this _____
day of _____, _____.

Notary Public

My commission expires:

§ 20-107.1 PROFFER OF _____
Chancery No. _____ (filed on or after July 1, 1998)

A. STATE THE CIRCUMSTANCES AND FACTORS WHICH CONTRIBUTED TO THE DISSOLUTION OF THE MARRIAGE AND THE GROUNDS FOR DIVORCE.

B. IF YOU ARE REQUESTING AN AWARD OF SPOUSAL SUPPORT:

- 1. State the amount of support you believe the court should award and state whether the award should be in the form of periodic payments for a defined duration, periodic payments for an undefined duration, a lump sum or a combination thereof. If you believe the award should be for a defined duration, state the length of the duration that you are requesting the court to order.**

- 2. State whether you are requesting that the court reserve your right to receive spousal support in the future.**

C. IF YOUR SPOUSE IS REQUESTING AN AWARD OF SPOUSAL SUPPORT:

- 1. State the amount of support you believe the court should award and state whether the award should be in the form of periodic payments for a defined duration, periodic payments for an undefined duration, a lump sum or a combination thereof. If you believe the award should be for a defined duration, state the length of the duration that you are requesting the court to order.**

Husband/Wife

- 1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature. (You may attach the income and expense statement and other relevant exhibits from § 20-107.3 Proffers.)**
- 2. The standard of living established during the marriage.**
- 3. The duration of the marriage.**
- 4. The age and physical and mental condition of the parties and any special circumstances of the family.**

Spousal Support § 20-107.1 (7/1/98 or after)

5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home.
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family.
7. The property interests of the parties, both real and personal, tangible and intangible.
8. The provisions made with regard to the marital property under § 20-107.3. (Attach equitable distribution summary form.)

Husband/Wife

- 9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity.**

- 10. The opportunity, for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability.**

- 11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market.**

Husband/Wife

12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party.

13. Such other factors, including the tax consequences to each party, as are necessary to consider the equities between the parties.

Husband/Wife

STATE OF VIRGINIA
CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this _____
day of _____, _____. My commission expires _____.

Notary Public

20-107.1 (Factor 8)
EQUITABLE DISTRIBUTION SUMMARY

v. _____

	Husband Marital Property		Wife Marital Property		Income Produced \pm	Husband Debt Allocated	Wife Debt Allocated
Real Property	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
Personal Property	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
A. Motor Vehicles, Boats, Trailers	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
B. Stocks, Bonds, and Other Investments	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
C. Appraised Jewelry, Antiques, or Valuable Collections	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
D. Savings Accounts	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
E. Life Insurance (Cash Value)	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
F. Household Furnishings	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
G. Other	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
H. Pensions	\$_____	_____%	\$_____	_____%	\$_____	Per Mo. \$_____ Total \$_____	Per Mo. \$_____ Total \$_____
TOTAL	\$_____	_____%	\$_____	_____%	\$_____	Total Per Mo. \$_____ Total Balance \$_____	Total Per Mo. \$_____ Total Balance \$_____

VIRGINIA: IN THE YORK COUNTY – POQUOSON CIRCUIT COURT

, Plaintiff,

v.

Chancery No. _____

, Defendant.

PENDENTE LITE ORDER
(child support; spousal and child support)

THIS DAY came ☐ Plaintiff, ☐ with ☐ without counsel, and ☐ Defendant, ☐ with ☐ without counsel, ☐ pursuant to notice properly served ☐ by agreement, and the court having heard evidence ore tenus and by stipulation and proffer, hereby orders as follows:

Pursuant to Virginia Code §20-103:

NAME	DATE OF BIRTH	RELATIONSHIP	SSN
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- ☐ are entitled to support from ☐ Plaintiff ☐ Defendant.
- ☐ custody of the said children is awarded to ☐ Plaintiff ☐ Defendant, **OR**
- ☐ both parties jointly, ☐ with primary physical custody to ☐ Plaintiff ☐ Defendant,
- ☐ with reasonable rights of visitation upon reasonable notice reserved unto ☐ Plaintiff ☐ Defendant. **OR**
- ☐ as set forth in the exhibit attached hereto and made a part hereof.

As a condition of custody or visitation, thirty days advance written notice must be given to the Court and the other party by any party intending to relocate and of any intended change of address.

It is further ADJUDGED, ORDERED and DECREED:

☐ Plaintiff ☐ Defendant is to pay to the ☐ Plaintiff ☐ Defendant the sum of \$_____ per month for the support and maintenance for the infant child or children, with payments in the amount of \$_____ to begin _____ and to continue on the _____ day of each month/week thereafter until the child reaches the age of eighteen or until further order of this Court. Said support shall continue to be paid for any child over the age of eighteen who is (i) a full-time high school student, (ii) not self-supporting and (iii) living in the home of the parent seeking or receiving child support until such child reaches the age of nineteen (19) or graduates from high school, whichever first occurs. The amount of child support which would result from the application of the Child Support Guidelines is \$_____.

☐ The child support ordered herein is not pursuant to the Guidelines provided in §20-108.2 because the application of the Guidelines would be unjust or inappropriate in this case as determined by relevant evidence pertaining to the factors set forth in §20-108.1:

☐ the amount of child support has been agreed upon by the parties;

☐ other: _____

_____.

☐ Plaintiff ☐ Defendant is to pay to the ☐ Plaintiff ☐ Defendant the sum of \$_____, per month for spousal support and maintenance. Said payments are to begin _____ and shall continue on the _____ day of each month thereafter until further order of this Court.

☐ Pursuant to Virginia Code §20-108.1 D., ☐ Plaintiff ☐ Defendant

☐ shall maintain all existing life insurance policies on his or her life and

☐ designate the child(ren) of the parties as the beneficiary of ☐ all ☐ \$_____ of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child(ren).

☐ Pursuant to Virginia Code §20-108.1 E., ☐ Plaintiff ☐ Defendant shall execute all appropriate tax forms or waivers to grant to ☐ Plaintiff ☐ Defendant the right to take the income tax dependence exemption parties for federal and state income tax purposes for ☐ the current tax year ☐ and all future years, for ☐ ___(##) child/ren **OR** ☐ all children of the parties.

Pursuant to Virginia Code §20-79.2:

☐ Support payments are to be made by Payroll Deduction Order.

☐ By agreement of the parties, as shown by their endorsement to this Order, support payments are to be made by the payor directly to the payee without a payroll Deduction Order.

☐ Good cause has been shown for not imposing immediate withholding and payroll deduction.

☐ Plaintiff ☐ Defendant is to have the temporary exclusive possession of the marital home located at _____, and the contents thereof.

☐ except as follows: _____
_____.

☐ Plaintiff ☐ Defendant is to pay the mortgage payment (including taxes and insurance) on the marital home until further order of this Court.

☐ Plaintiff ☐ Defendant shall pay \$_____ attorney's fees to counsel for ☐ Plaintiff ☐ Defendant.

☐ Both parties are hereby enjoined and restrained from bothering or harassing each other in any oppressive fashion.

☐ Both parties are hereby enjoined and restrained from disposing of or dissipating the marital assets without permission of the other party.

Pursuant to Virginia Code §20-60.3:

1. If known, the name, date of birth, and social security number of each parent of the children and, if different and if known, the name, date of birth and social security number of the person responsible for support and, unless otherwise ordered, the current address and place of employment of each such parent or responsible person are as follows:

MOTHER

Name:

Date of Birth:

SSN:

Driver's License #:

Current Address and Residence Telephone

FATHER

Name:

Date of Birth:

SSN:

Driver's License #:

Current Address and Residence Telephone:

Employer Name , Address & Telephone:

Employer Name, Address & Telephone:

☐ A protective order has been issued or the court finds reason to believe that a party is at risk of physical or emotional harm from the other party, and therefore the above information pertaining to the ☐ Plaintiff ☐ Defendant need not be disclosed.

2. ☐ No provision for health care coverage is ordered **OR**

☐ Plaintiff ☐ Defendant is required to maintain spouse on hospitalization coverage until entry of a Final Decree of Divorce.

☐ Plaintiff ☐ Defendant is required to maintain health care coverage for dependent children pursuant to §§20-108.1 and 20.108.2. The name of the health care plan is _____; and the policy number is _____.

☐ Plaintiff shall pay _____% and ☐ Defendant shall pay _____% of any uninsured medical and dental bills, and shall include but not be limited to eyeglasses, prescription medication, prosthesis and mental health services whether provided by a social worker, psychologist, psychiatrist or counselor, incurred for the child or children commencing _____.

☐ Plaintiff ☐ Defendant shall ☐ pay ☐ reimburse to ☐ Plaintiff ☐ Defendant any unreimbursed medical expenses pursuant to subsection D and subsection G3 of §20-108.2 in the following manner:

_____.

3. ☐ There are no child or spousal support arrearages at this time. **OR**

☐ Child support arrearages exist as of _____ in the sum of \$_____ covering the period of _____ to the _____ ☐ Plaintiff ☐ Defendant is to pay \$_____ to the ☐ Plaintiff ☐ Defendant \$_____ per month beginning on _____ until said arrearage is paid in full.

☐ Spousal support arrearages exist as of _____ in the sum of \$_____ covering the period of _____ to the _____ ☐ Plaintiff ☐ Defendant is to pay \$_____ to the ☐ Plaintiff ☐ Defendant \$_____ per month beginning on _____ until said arrearage is paid in full.

If support arrearages accumulate, all payments are to be credited to current support obligations first, with any payment in excess of the current obligations applied to arrearages. All support arrearages are subject to interest at the legal rate until fully paid.

4. Support payments may be withheld as they become due pursuant to §§ 20-79.1 or 20-79.2, from income as defined in §63.2-1900, without further amendments of this Order or having to file an application for services with the Department of Social Services.

5. Support payments may be withheld pursuant to Chapter 19 (§63.2-1900 et seq.) of Title 63.2 without further amendments to this order upon application for services with the Department of Social Services.

6. Notice is hereby given that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth to a person responsible for support as provided in §63.2-1937 upon a delinquency for a period of ninety days or more or in an amount of \$5,000 or more.

(A) ☐ Plaintiff does not currently hold such an authorization. **OR**

☐ Plaintiff does hold such an authorization and is licensed as a: _____.

(B) ☐ Defendant does not currently hold such an authorization. **OR**

☐ Defendant does hold such an authorization and is licensed as a: _____.

7. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the Court for good cause shown orders otherwise, the parties shall give each other and the Court, and when payments are to be made through the Department of Social Services, the Department of Social Services at least 30 days written notice, in advance, of any change of address and any change of telephone number within 30 days after the change.

8. If child support payments are ordered to be paid through Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his/her current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his/her current employer.

9. In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

10. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court.

☐ Other provisions

Enter: _____

Judge

Have Seen:

Counsel for Plaintiff

Plaintiff

Counsel for Defendant

Defendant

_____, Plaintiff,

_____)

v.

_____) Chancery No. _____

_____)

_____, Defendant.)

1

☐ Plaintiff

☐ Defendant

Employer Name, Address & Telephone:

Employer Name, Address & Telephone:

☐ A protective order has been issued or the court finds reason to believe that a party is at risk of physical or emotional harm from the other party, and therefore the above information pertaining to ☐ Plaintiff ☐ Defendant need not be disclosed.

2. ☐ No provision for health care coverage is ordered. **OR**

☐ Plaintiff ☐ Defendant is required to maintain spouse on hospitalization coverage until entry of a Final Decree of Divorce.

3. ☐ There are no spousal support arrearages at this time. **OR**

☐ Spousal support arrearages exist as of _____ in the sum of \$_____ covering the period of _____. ☐ Plaintiff ☐ Defendant is to pay \$_____ to the ☐ Plaintiff ☐ Defendant \$_____ per month beginning on _____ until said arrearage is paid in full.

4. If support arrearages accumulate, all payments are to be credited to current support obligations first, with any payment in excess of the current obligations applied to arrearages. All support arrearages are subject to interest at the legal rate until fully paid.

5. The parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days' after the change.

6. In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

☐ Other provisions

_____.

Enter:_____

Judge

Have Seen:

Counsel for Plaintiff

Plaintiff

Counsel for Defendant

Defendant

VIRGINIA: IN THE YORK COUNTY – POQUOSON CIRCUIT COURT

_____, Complainant,
v. _____ Chancery No. _____
_____, Respondent.

ORDER OF REFERRAL TO PARENT EDUCATION SEMINAR

☐ Pursuant to § 20-103, _____ and _____, parents of a child or children whose custody, visitation or support is contested OR uncontested and the Court finds good cause, are ordered to attend and complete an educational seminar or other like program conducted by Peaceful Pathways (757) 564-0977, or other such program conducted by a qualified person or organization approved by the Court, on the effects of separation or divorce on minor children, parenting responsibilities, options for conflict resolution and financial responsibilities to be completed by _____ .
(date)

A list of alternative parent education programs available in this community with contact information is provided as part of this order.

Based on a parent's ability to pay, each parent shall be responsible for paying a fee of no more than \$50.00 (fifty dollars) for the seminar. **The fee is payable to the program.**

Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement by a party in such seminar or program shall be admissible into evidence in any subsequent proceedings.

The Court requires a certificate of completion to be filed by each parent within seven (7) days after above referenced date.

IT IS THE PARTIES' RESPONSIBILITY TO CONTACT THE PROGRAM.

☐ _____ and _____, are exempt from attendance at the parent education seminar for good cause shown as follows: _____

ENTER: _____

Prentis Smiley, Jr., Judge

PEACEFUL PATHWAYS, INC.
Pathways Through Separation and Divorce
Diane Gilbert
P.O. Box 545
Williamsburg, VA 23187
(757) 564-0977 (voice)
(757) 564-9173 (fax)

presented at: York/ Poquoson
Courthouse
Courtroom 5

PENINSULA MEDIATION CENTER
48 West Queens Way
Hampton, VA 23669
(757) 722-1228

presented at: 2244 Executive Drive
Hampton, VA

EASTERN STATE AND PENINSULA MEDIATION CENTER
Parents Forever
Laurie Dallieslager
(757) 253-4452

SOCIAL SERVICES
5249 Olde Towne Road
Williamsburg, VA 23188
(757) 259-3152

VIRGINIA COOPERATIVE EXTENSION SERVICE
Doris B. Heath
P. O. Box 69
Toano, VA 23168
(757) 566-1367
(757) 566-8413 (fax)

VIRGINIA: IN THE YORK COUNTY – POQUOSON CIRCUIT COURT

_____, Plaintiff

v.

Chancery No. _____

_____, Defendant

MOTION AND ORDER TO RESTORE NAME

THIS DAY came the ☐ Plaintiff ☐ Defendant _____
☐ with ☐ without counsel, and moved the Court to allow the use of a former name or maiden name upon entry of a Final Decree of Divorce. ☐ Plaintiff
☐ Defendant's current address is: _____,

AND it appearing to the Court that it is proper to do so, the Court ORDERS that the Motion of the ☐ Plaintiff ☐ Defendant be granted and the former name or maiden name of the ☐ Plaintiff ☐ Defendant, _____, is hereby restored to _____, and that the Clerk of this Court shall forthwith spread this Order upon the current deed book of his/her office, indexing the Order in both the name of _____ and _____; and shall otherwise comply with all provisions of §20-121.4 of the Code of Virginia 1950 as amended; and

It is hereby further ORDERED that this Order be entered forthwith and this cause be ☐ continued ☐ removed from the docket of this Court.

ENTER this ____ day of _____, 2004.

Judge

We ask for this:

☐ Plaintiff ☐ Defendant

Counsel for ☐ Plaintiff ☐ Defendant

Have seen:

☐ Plaintiff ☐ Defendant

Counsel for ☐ Plaintiff ☐ Defendant